

FILED
OCT 12 11 1:21
BY: [Signature]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

1 UNITED STATES OF AMERICA,)

2)
3 Plaintiff,)

In Equity No. C-125-ECR
Subfile No. C-125-B

4 WALKER RIVER PAIUTE TRIBE,)

5)
6 Plaintiff-Intervenor,)

DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER

7 v.)

8 WALKER RIVER IRRIGATION)

9 DISTRICT,)

10 a corporation, et al.,)

11)
12 Defendants.)
13)
14)

15 The undersigned counter-defendant in the above action hereby notifies the Court and the
16 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has
17 no interest in any water right within the categories set forth in Paragraph 3 of the *Case*
18 *Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

19 This disclaimer and notice shall be sent to the following two persons:
20

21 Linda Lea Sharer, Chief Deputy Clerk
22 United States District Court for the District of Nevada
23 400 South Virginia Street, Suite 301
Reno, NV 89501

24 And

25 Susan L. Schneider
26 United States Department of Justice
27 P.O. Box 756
28 Littleton, CO 80160

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

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water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information:

1. The name and address of the party or parties who sold or otherwise conveyed ownership:

~~Name(s): This is a mistake in identity. I never owned land in this area of Nevada so
Street or P.O. Box: consequently no water rights~~

~~Town or City:~~

~~State:~~

~~Zip Code:~~

2. The name and address of each person or entity who acquired ownership

~~Name(s):~~

~~Street or P.O. Box:~~

~~Town or City:~~

~~State:~~

~~Zip Code:~~

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3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- Deed
- Court Order
- Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 6 day of October 2005.

[signature of counter-defendant]
Eleanor Mary Berlin
 589 Condit St.
 Henderson
 No 89015
 [name of counter-defendant]

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[name, if applicable, of person acting on
behalf of counter-defendant]

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

[address]

[telephone number]

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

FILED
JULY 9, 2003

THOMAS S. WILSON
CLERK
DEPUTY
IN EQUITY NO. C-125
SUBFILE NO. C-125-B

UNITED STATES OF AMERICA,
Plaintiff,

WALKER RIVER PAIUTE TRIBE,
Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

U.S. DISTRICT COURT
DISTRICT OF NEVADA
ENTERED & SERVED
JUL 16 2003
CLERK U.S. DISTRICT COURT
DEPUTY

ORDER - DISCLAIMER OF INTEREST

The following background information is provided to aid in understanding the reasons for and what is required by this Order:

1. The Court has ordered that certain persons and entities be included as parties in this action because they own water rights within one or more of the nine categories set forth in Paragraph 3 of the Court's April 18, 2000 Case Management Order.

2. It is possible that some of the specific persons or entities who are served with a Waiver of Service of Notice in Lieu of Summons, Notice of Lawsuit, or a Notice in Lieu of Summons do not belong in this action, because, for example, they may have sold or otherwise conveyed the ownership of all water rights subject to this action prior to being served.

3. A change in ownership of a water right can occur in a number of ways and for a variety of reasons. Often a change in ownership of a water right occurs when ownership of the land on which the water is used changes. A change in ownership may involve a sale, a gift, a death or even a divorce. It may also involve estate or business planning decisions, such as conveyance to an intervivos trust or a limited liability company. Frequently, changes in ownership are accomplished by a deed. However, in an estate or divorce proceeding, they may be accomplished by an order of a court. These examples are not an exclusive list of all of the

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1 ways in which a change in ownership may occur.

2 4. It is important that the Court and the Plaintiffs be notified if a person or entity
3 who receives service by mail or personal service does not, in fact, have any ownership interest
4 in a water right in any of the nine categories set forth in Paragraph 3 of the Court's April 18,
5 2000 Case Management Order. In addition, that person or entity need not be burdened with
6 this litigation and, if there was a change in ownership, a new party may need to be added to the
7 action. Before any such person may be omitted from this action, certain information and
8 documents will have to be provided to the Plaintiffs and the Court.

9 Based upon the foregoing, it is hereby ORDERED as follows:

10 1. If any person or entity receiving service by mail or personal service has no
11 interest in any water right within any of the nine categories set forth in Paragraph 3 of the *Case*
12 *Management Order* (Apr. 18, 2000)^{1/}, that person or entity shall notify the Court and the

13 _____
14 2/ You should review the *Case Management Order* and *First Amended Counterclaims* filed
15 by the United States and by the Walker River Paiute Tribe, which are included in the materials
16 served upon you. For convenience, the nine categories of persons and entities that the Court
17 has ordered to be served and named are listed here:

18 1. Category 3.a.: The successors in interest to all water rights holders under the Decree
19 (April 14, 1936), modified, Order of Entry of Amended Final Decree to Conform to
20 Writ of Mandate, Etc. (April 24, 1940) ("Decree").

21 2. Category 3.b.: All holders of surface water rights under the laws of the States of
22 Nevada and California in the Walker River Basin who are not presently parties to this
23 adjudication.

24 3. Category 3.c.: All holders of permits or certificates to pump groundwater issued by
25 the State of Nevada and domestic users of groundwater within Sub Basins 107 (Smith
26 Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake Valley), and
27 110B (Walker Lake Subarea of the Walker Lake Valley).

28 4. Category 3.d.: All holders of permits or certificates to pump groundwater issued by
the State of Nevada within Sub Basins 106 (Antelope Valley), 109 (East Walker), and
110C (Whiskey Flat-Hawthorne Subarea of Walker Lake Groundwater Basin).

5. Category 3.e.: All users of groundwater for irrigation in California in the Walker
River Basin.

1 United States in writing of that fact.

2 2. If such person or entity sold or otherwise conveyed ownership of all of the water
3 rights that the person or entity once owned before they were served or otherwise brought into
4 this action, in addition to disclaiming any interest in this action, they shall include a notice
5 providing the following information:

- 6 A. The name and address of the person or entity who sold or otherwise
7 conveyed ownership;
- 8 B. The name and address of each person or entity who acquired ownership;
and
- 9 C. A copy of the deed, court order or other document by which the change
10 in ownership was accomplished.

11 3. The disclaimer and notice shall be sent to the Court and counsel for the United
12 States, addressed as follows:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 895501

Susan L. Schneider
United States Department of Justice
P.O. Box 756
Littleton, CO 80160

15 4. The form and substance of the disclaimer and notice shall substantially conform
16 to the form attached to this Order as Exhibit A.

17 5. Following their receipt from any person or entity disclaiming any interest in any

18 6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws
19 of the State of Nevada within the Walker River Basin.

20 7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin
21 who currently use groundwater.

22 8. Category 3.h.: All municipal providers in California within the Walker River Basin
23 who currently use groundwater.

24 9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who
25 currently use groundwater.

1 of the water rights at issue in this case of a Waiver of Service of Notice in Lieu of Summons
2 and any Disclaimers of Interest and accompanying information and documents sought by this
3 Order, Plaintiffs will review the materials received and, if appropriate, seek the Court's
4 concurrence in omitting that person or entity filing such materials from this case.


5 6. If Plaintiffs do not receive a Waiver of Service of Notice in Lieu of Summons
6 and must personally serve a person or entity that subsequently files a Disclaimer of Interest
7 pursuant to this Order, Plaintiffs will also review the materials received and, if appropriate,
8 seek the Court's concurrence in omitting the person or entity from this case, but that person or
9 entity may be subject to paying the costs related to formal personal service on them.

10 7. Despite the above provisions, any person or entity who files a Disclaimer of
11 Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
12 any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to
13 this litigation, shall nevertheless be bound by the results of this litigation.

14 8. Any person or entity subject to service under the Federal Rules of Civil
15 Procedure who receives notice of this action in the manner provided by Federal Rule of Civil
16 Procedure 4(d) remains subject to the duty to avoid unnecessary costs of serving the summons,
17 even if that person or entity ultimately disclaims any ownership interest in any of the water
18 rights described by Paragraph 3 of the Court's April 18, 2000 Case Management Order.

19 IT IS SO ORDERED:

20 Dated: July 9, 2003.

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22 
23 The Honorable Robert A. McQuaid, Jr.
United States District Court Magistrate Judge
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